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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,152	12/20/1999	TADASHI TAKAHASHI	P18421	1984

7590 05/30/2002

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RESTON, VA 20191

EXAMINER

SENF, BEHROOZ M

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/467,152

Applicant(s)

TAKAHASHI, TADASHI

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 16 - 17, 19, 21, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (US 4,846,155).

Regarding claims 1, 4, 16, 19, 21 and 29, Kimura '155 discloses data Generating device, provided in an electronic endoscope (i.e. fig. 2, col. 1, lines 10+), device generating an image data corresponding to an object image and character information including a date when said object image is obtained (i.e. fig. 15), and date differentiating process that generates character information so that, when date is displayed on a screen of a display device along with object image, at least one of the year, month, and day is differentiated on screen (i.e. fig. 15), and storing (i.e. fig. 15 shows the recording state) and displaying mode on screen (i.e. col. 9, lines 24+).

Regarding claims 17 and 27, Kimura '155 discloses display processor comprises a character code output processor that outputs a character code corresponding to date (i.e. fig. 15, Date and Time), and character signal output along with a video signal corresponding to said object image (i.e. fig. 15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 7, 11 – 15, 18, 20, 22 – 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 4,846,155) in view of Salb (US 5,408,996).

Regarding claims 2, 3, 6, 18 and 28, Kimura '155 discloses data generating Device provided in an electronic endoscope (i.e. fig. 2, col. 1, lines 10+) and date differentiating process (i.e. fig. 15).

Kimura '155 fails to explicitly teach date differentiation processor sets one of the year, month, and day to a color or character type different from the other.

However, the above mention claimed limitation is well-known in the art as evidenced by Salb '996. In particular, Salb '996 (i.e. col. 7, lines 10+) teaches the color-coding and text windows type display.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modifying the system of Kimura '155, as taught by Salb '996 to eliminate confusion between text.

Regarding claim 4, Salb '996 teaches date-differentiating process sets a mode of display (i.e. mode emphasizes, col. 7, lines 10+).

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Regarding claim 5, the limitation as claimed are substantially similar to claim 2, using color coding techniques, therefore the grounds for rejecting claim 2 also apply here.

As for claims 7 – 11 and 24, the preferred display data or display order is not considered patentably significant. Because, otherwise Examiner has to issue patent for each font or color or order.

Regarding claim 12 and 25, Examiner note that switching operation for changing the order of operation would have been obvious to one having ordinary skill in the art and well-known in the prior art of record.

Regarding claims 13, 14 and 26, Salb '996 teaches object image and date to be displayed on screen are preferably stored as a single image (i.e. col. 6, lines 26+).

Regarding claim 15, Salb '996 teaches electronic file storage (i.e. col. 6, lines 39+).

Regarding claims 20 and 22 - 23, the limitations as claimed are substantially similar to claims 2 – 3, therefore the grounds for rejecting claims 2 - 3 also apply here.

Furthermore, Salb '996 teaches additional limitation claimed "storage device" (i.e. col. 6, lines 39+).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Perkins et al. (US 6,106,457) compact imaging instrument system.

Ams et al. (US 4,841,363) endoscopic video system.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

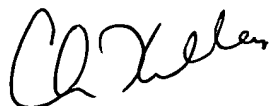
**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. J.

05/21/02

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**